

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,

Plaintiff,

v.

NORTH AMERICAN AIRLINES,

Defendant.

NO. C05-0126 TEH

ORDER RE: HEARING ON
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

During the June 2, 2005 telephonic status conference, the Court set the hearing on Plaintiff's motion for a preliminary injunction for July 27 and 28, 2005. The parties intend to present live testimony during the hearing, and the parties also agree that some discovery is necessary prior to the hearing.

At the conclusion of the status conference, the parties inquired whether the Court anticipated having a second set of hearings on Plaintiff's claims for final injunctive relief. The Court responded that it did, but, upon more careful consideration, the Court is uncertain whether two sets of hearings would be necessary or efficient. This is not a typical case where the plaintiff seeks a temporary restraining order immediately upon filing the complaint and then seeks a preliminary injunction shortly thereafter. While Plaintiff in this case did file its motion for preliminary injunctive relief soon after filing its complaint, the Court delayed resolution of that motion – without objection from Plaintiff – until after a court in the Southern District of New York and this Court determined the proper forum to hear this case. Resolution of the motion for a preliminary injunction was further delayed by the parties' unexpected request for live testimony and, now, for discovery in preparation for such testimony.

1 In light of all of the above, it appears that the parties may be seeking a final decision
2 regarding injunctive relief at this time, rather than simply a decision on whether Plaintiff is
3 entitled to preliminary injunctive relief. At the very least, it is unclear what additional
4 evidence the parties would present at a hearing on final injunctive relief that they do not intend
5 to present at the scheduled hearing on Plaintiff's motion for preliminary injunctive relief.
6 Therefore, it is unclear whether a second hearing on final injunctive relief would be an
7 efficient use of the Court's and the parties' resources.

8 Accordingly, IT IS HEREBY ORDERED that the parties shall meet and confer about the
9 scope of the July 27 and 28 hearings, and whether the Court's decision following that hearing
10 should address Plaintiff's request for final injunctive relief or be limited to deciding only the
11 issue of preliminary injunctive relief. The parties shall file a joint statement reflecting the
12 results of their meeting and conferring on or before **Friday, June 17, 2005**.

13
14 **IT IS SO ORDERED.**

15
16 DATED 06/03/05

17 /s/
THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT